



03-24-04

Attorney's Docket No.: 06275-283US1 / Z70673

PRINTER: JASON C. SIRMONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Derek Shaw et al.

Art Unit : 3763

Serial No. : 09/936,859

Examiner : Kevin C. Sirmons

Filed : November 15, 2001

Title : AUTOMATICALLY OPERABLE SAFETY SHIELD SYSTEM FOR SYRINGES

#13

Mail Stop Patent Extension

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Patentees hereby request that the Patent Term Adjustment for the above-identified U.S. patent be reconsidered. It is Patentees' belief that the Patent Term Adjustment on the Notice of Allowance set at 98 days as stated is incorrect and that the Patent Term Adjustment for which the above-identified patent is entitled is 133 days. This request is proper in that it is submitted before payment of the issue fee.

Under 37 CFR § 1.702, the grounds for reconsideration of patent term adjustment include examination delays under the Patent Term Guarantee Act of 1999. The United States Patent and Trademark Office failed to mail the Notice of Allowance within four months after the date in which the Office received Patentees' response to Office Action.

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03/25/2004 CNGUYEN1 0000006 09936859

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Date of Deposit

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The relevant dates as specified in § 1.703(a) through (e) for which the adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled is as follows:

Application Filed	November 15, 2001
First Action	April 23, 2003
Applicant's Reply	July 24, 2003
Notice of Allowance	December 30, 2003

Adjustment (positive):

14/4/4/4	98 days (between November 15, 2001 and April 23, 2003)*
	36 days (between July 24, 2003 and December 30, 2003)*
3-year	No adjustment
Interference	No adjustment
Secrecy Order	No adjustment
Appeal	No adjustment

*Periods overlap, total adjustment = **134 days**

Reductions:

Reply outside 3 months (Reply to Office Action)	1 day (between April 23, 2003 and July 24, 2003)*
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*Periods overlap, total reduction = **1 day**

Patent Term Adjustment: 134 days - 1 day = **133 days**

The above-identified patent is not subject to a terminal disclaimer.

It is understood that there were no circumstances within this case history that constitute a failure by the Patentees to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 CFR § 1.704.

Based on the foregoing, Patentees request that the Patent Term Adjustment on this patent be adjusted to 133 days.

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Enclosed is a check in the amount of \$200 for the fee required under 37 CFR §1.18(e).
Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney-docket no. 06275-283US1.

Respectfully submitted,

Date: Nov 22, 2004



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